

New York Daily News - <http://www.nydailynews.com>**It's time for U.S.
to bridle unfair judges**

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Of all the maddening miscarriages of justice that stain the land, few are more sickening than the abuses meted out by the incompetents, bigots and bullies among the nation's 224 immigration judges. In far too many cases, immigrants facing deportation or seeking asylum in the United States end up staking their very lives on judges who either don't know the law or don't care about applying it fairly.

Last week, following years of complaints from human rights activists, Attorney General Alberto Gonzales finally moved to end the abuses by implementing 22 reform measures. And not a moment too soon.

Unlike the orderly, structured courtroom trials we're all used to watching on television, immigration hearings tend to be confusing affairs, involving interpreters, lawyers, a welter of documents and a single judge empowered to make what amount to life-and-death decisions.

Rulings on whether to shatter a family by deporting its breadwinner or send dissidents back to countries racked by political violence are made by a group of judges staggering under a massive docket of about 300,000 matters a year, an average of 26 cases per judge every week.

"There are judges who are sitting there day after day hearing those claims," according to one former immigration judge who quit in frustration, "and they get tired and burned out and they stop believing the stories."

That doesn't excuse the outrageous behavior catalogued in recent years. In New York, a man from Trinidad and Tobago was ordered deported after a vehicle accident because the judge mistakenly ruled that his traffic conviction was a "crime of violence," which is punishable by deportation. The order was overturned on appeal.

In Boston, an immigration judge named Thomas Ragno greeted a Ugandan woman seeking asylum by quipping, "Me Tarzan, you Jane." Ragno was suspended for more than a year, then restored to the bench.

And in Philadelphia, Judge Donald Ferlise was singled out by the 3rd Circuit Court of Appeals for repeated instances of "browbeating," "belligerent questioning and a failure to consider relevant evidence."

In one case, Ferlise denied asylum to a Pakistani woman, Seemab Fatima Shah, whose father had been the victim of a political assassination, because the court's translator mistakenly translated "parents" as "parents in law." Ferlise pounced: "You've blown your cover. I see now her parents aren't even dead."

In another case, Ferlise denied asylum to Abou Cham, the nephew of a deposed president of Gambia whose relatives had been imprisoned. Ferlise refused to consider sworn statements from the former president about the danger Cham faced and, in a bizarre exchange, attacked Cham for answering a question in English rather than his native tongue, Wolof.

Ferlise is no longer hearing cases. And Gonzales' new rules include common-sense measures like requiring immigration judges to pass a competency test and making it easier to bounce judges who get out of line.

In other words, immigrants now may be able to get a measure of the justice that the rest of us take for granted. It's about time.